

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #00-44

SUMMARY/RESPONSE TO COMMENTS FROM THE THIRD COMMENT PERIOD

The Indiana Department of Environmental Management (IDEM) requested public comment from June 1, 2001, through June 21, 2001, on IDEM's draft rule language. IDEM received comments from the following party:

Eli Lilly and Company (ELC)

Following is a summary of the comments received and IDEM's responses thereto.

Comment: Incinerators subject to new federal and state emission requirements should not be subject to any of the standards in 326 IAC 4-2 because it only adds another layer of regulation and potential complexity. (ELC)

Response: IDEM seeks to eliminate overlapping or duplicative requirements. Therefore, IDEM is exempting sources that are specifically subject to more stringent MACT requirements.

Comment: We support the basic proposal to exempt sources subject to relatively new federal and state emission control requirements. This approach recognizes that the newer rules are far more comprehensive and stringent. (ELC)

Response: IDEM agrees that sources should only be subject to the more stringent requirements of the federal and state emission control rules.

Comment: 326 IAC 4-2 and 326 IAC 9-1 should be revised to establish clear requirements that will enable incinerator operators to understand exactly what are their compliance requirements. Only 326 IAC 4-2-2(a)(1), (a)(2), (a)(3), and (a)(8) establish clear and meaningful requirements for incinerator operators. (ELC)

Response: IDEM has restructured the rules and rewritten portions of the rules in order to better establish clear requirements. IDEM revised 326 IAC 4-2-2 (a)(2) to clarify that a primary burner is required unless only burning wood. In the new 326 IAC 4-2-2(a)(6), the requirement that burning shall be terminated immediately upon violation of any of the operation standards was rewritten to state that the operator must stop charging the incinerator until adjustments are made that address the underlying cause of the deviation. IDEM revised 326 IAC 9-1 to clarify that carbon emissions are the emissions controlled in this rulemaking.

Comment: IDEM should avoid requiring sources to operate equipment in accordance with manufacturer's specifications. Manufacturer's specifications should be removed from the rule. Such standards are vague, practically unenforceable, and as years pass, standards become more unclear. It is likely that a source has developed means of operating the device that deviate from the manufacturer's specifications, but achieve equal or better performance. (ELC)

Response: IDEM agrees that there may be acceptable alternatives to manufacturer's specifications, but disagrees that they should be eliminated entirely for everyone. IDEM is exempting sources subject to more stringent MACT standards. However, incinerators, even small incinerators, can pose air quality and public health problems if used improperly. Therefore, there must be standards that replace manufacturer's specifications if manufacturer's specifications are not used. In the revised rule, sources will be allowed the option of developing and following an operation and maintenance plan in lieu of manufacturer's specifications provided the plan meets certain specified criteria.